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**PATENT APPLICATION  
Attorney Docket No. 103477-0007**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gary Mills et al.

Serial No. 10/549,330

Examiner: Brian Szmal

Confirmation No. 6689

Filed: 12 September 2005

Group Art Unit: 3736

For: **METHODS OF AND APPARATUS FOR DETERMINING FLUID VOLUME  
PRESENCE IN MAMMALIAN TISSUE**

Date: 5 August 2009

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Responsive to the Office Action mailed 23 June 2009, please amend and reconsider the application as follows.

**Examiner Interview Summary** begins on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

**SUMMARY OF EXAMINER INTERVIEW****Interview Date:** 5 August 2009**Attendees:** USPTO - Examiner Brian Scott Szmal

Applicant's Representative - Patrick D. Boyd, Reg. #54,671

**Exhibits/Demonstrations:** Applicant's Proposed Agenda for Examiner Interview, sent to the Office by facsimile on 3 August 2009.**Claims Discussed:** Independent claim 1**Prior Art Discussed:** Rieke U.S. Pat. 3,452,743**Principle Proposed Amendments:** None discussed during interview**General Summary of Discussion:**

Applicants' representative presented arguments believed to overcome the rejections asserted in the 23 June 2009 Non-Final Office Action. The Examiner agreed that the pending claims are not disclosed by the asserted references, and stated the rejection would be withdrawn after receiving applicants' formal response including the same arguments as presented in the Proposed Agenda for Examiner Interview.

The Examiner replied in the affirmative when asked if he would be receptive to granting an Examiner interview prior to a subsequent Office Action, if such is deemed necessary.

Applicants do not concede any assertions in the Non-Final Office Action that were not specifically discussed during the Examiner Interview or addressed in the Proposed Examiner Interview Agenda, and preserve the same for possible later presentation

Applicants thank the Examiner for his consideration in granting an interview with applicants' representative, and for preparing for the same by reading and considering applicants' statements in the Proposed Examiner Interview Agenda.

**General Results of Interview:**

Applicants respectfully submit that the summary of the 4 August 2009 interview described above includes the "Substance of the Interview" in compliance with MPEP § 713.04. The Examiner is encouraged to telephone the undersigned at (503) 226-8468 if it appears that any substantive matters are omitted herein.